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Rule 27A. Admissibility of statements given by minors.

(a) If a minor is in custody for the alleged commission of an offense that would be a crime if committed by an adult, any statement given by a minor in response to questions asked by a police officer is inadmissible unless the police officer informed the minor of the minor's rights before questioning begins. ~~(a)(1)~~ If the child is under 14 years of age, the child is presumed not adequately mature and experienced to knowingly and voluntarily waive or understand a child's rights unless a parent, guardian, or legal custodian is present during waiver.

~~(a)(2) If the minor is 14 years of age or older, the minor is presumed capable of knowingly and voluntarily waiving the minor's rights without the benefit of having a parent, guardian, or legal custodian present during questioning.~~

(b) The presumptions outlined in paragraphs ~~(a)(1)~~ and ~~(a)(2)~~ may be overcome by a preponderance of the evidence showing the ability ~~or inability~~ of a minor to comprehend and waive the minor's rights.

Advisory Committee Notes

~~This rule is intended to recognize the right to counsel, and the right against self-incrimination as established by statute, constitution, or caselaw.~~